

**MEDICAL EXAMINING BOARD
REGULAR MEETING
JUNE 18, 2003**

MEMBERS PRESENT: Drs. Lief Erickson, Alfred Franger, Ronald Grossman, Sidney Johnson, Daniel Miota, Bhupinder Saini, Darold Treffert, and Virginia Heinemann

MEMBERS EXCUSED: Karen Kalishek, Sandra Mahkorn, MD, Clark Olsen, MD

STAFF PRESENT: Tom Ryan, Bureau Director; Wayne Austin, Legal Counsel; Pamela Meicher, Program Assistant; and DOE staff for a portion of the meeting

GUESTS: Shelly Raebel and Brian Rosen, Purdue Pharma

CALL TO ORDER

Chair Sidney Johnson called the meeting to order at 8:02 a.m.

APPROVAL OF AGENDA

Amendments: Corrected Minutes from 05/21/03
Two Stipulations (F)
Death Cases and Three Year Cases Reports (T)

MOTION: Daniel Miota moved, seconded by Alfred Franger, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES MAY 21, 2003

MOTION: Darold Treffert moved, seconded by Alfred Franger, to approve the minutes of May 21, as corrected. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS

Delbert Schaefer, Fond du Lac, this matter will be deliberated on in closed session.

Richard A. Hoversten, M.D., this matter will be deliberated on in closed session.

John A. Ferris, M.D., this matter will be deliberated on in closed session.

CLEARINGHOUSE RULE 02-152 – ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD RULE AMENDMENTS

The Board reviewed and approved Clearinghouse Rule 02-152, relating to Athletic Trainers Affiliated Credentialing Board Rule Amendments.

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to approve the Clearinghouse Rule 02-152, relating to Athletic Trainers Affiliated Credentialing Board Rule Amendments and send it to the legislature. Motion carried unanimously.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

Noted.

FSMB 2002 ANNUAL REPORT SUMMARIZING USMLE STEP 3 EXAMINATION RESULTS

The Board noted the memo from the FSMB (Federation of State Medical Boards of the United States, Inc.) summarizing results of USMLE Step 3 examinees who tested under the board's sponsorship for the 2002 calendar year.

CREDENTIALING TRANSITIONS – CATHY POND, DEANNA ZYCHOWSKI

Cathy Pond, Administrator from Credentialing, advised the Board that Patty Darwin is currently the primary reviewer for applications. There is a backlog because of the graduation bubble from medical schools and because of a staff shortage for the first half of 2003. An LTE currently works with Ms. Darwin. Ms. Pond also advised the Board that the application process for physicians is complicated and takes more time than other professions. Ms. Pond suggested that the Board call her directly if they have any concerns or questions. Ms. Pond will be working with Deanna Zychowski to gain more knowledge about the application side of credentialing, as her years of experience with the Department have been spent with renewal applications.

REPORT OF SCREENING COMMITTEE

Virginia Heinemann reported the Screening Committee reviewed 50 cases. Eleven cases were opened, 39 cases were not opened.

AVAILABILITY OF EXPERT WITNESSES

The Board discussed the possibility of forming a committee to create a list of expert witnesses for its discipline cases, with one option being the involvement of specialty societies to vouch for the witnesses' expertise. It was noted that some doctors will not participate because of the compensation the Department is currently able to offer while others are reluctant to get involved

for other reasons. Drs. Sidney Johnson, Lief Erickson and Alfred Franger will work individually on identifying potential witnesses.

RECESS TO CLOSED SESSION

MOTION: Darold Treffert moved, seconded by Daniel Miota, to recess to closed session pursuant to Chapter 19.85 (1)(a), (b), (f), and (g), Wis. Stats, for deliberation of proposed stipulations, request for license reinstatement, issuance of complaint and motion to close proceedings, issuing complaints, motion to dismiss and deliberation in a matter of disciplinary proceedings, request for approval of provider, to address SMS complaints, reviewing case status, granting licenses and consulting with legal counsel. Roll call vote: Drs. Lief Erickson – yes, Alfred Franger – yes, Ronald Grossman – yes, Sidney Johnson – yes, Daniel Miota – yes, Bhupinder Saini –yes, Darold Treffert - and Virginia Heinemann. Motion carried unanimously.

Open session recessed at 9:20 a.m.

SMS COMPLAINTS

Ronald Grossman discussed the complaint he had received from the Wisconsin Medical Society. The Board discussed the Wisconsin Medical Society process for filing a complaint against a physician. The Board would like to invite Mark Adams, SMS Legal Counsel, and the Chair of the Wisconsin Medical Society to a future meeting.

MOTION: Darold Treffert moved, seconded by Alfred Franger, to invite the President of the Council on Mediation of Peer Review to appear at a Board meeting to discuss the possible overlap of responsibilities between the Board and the Council. Motion carried.

PROPOSED STIPULATION

DELBERT SCHAEFER

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Delbert Schaefer. Motion carried unanimously.

CHARLES MORGAN, MD

MOTION: Alfred Franger moved, seconded by Lief Erickson, to adopt the Findings of Fact in the matter of Charles Morgan, MD. Case advisor Bhupinder Saini abstained. Motion carried.

DONALD A. MILLER, M.D.

The matter of Donald A. Miller, M.D., is tabled indefinitely until he applies for a license.

ISSUE COMPLAINTS

01 MED 326

MOTION: Ronald Grossman moved, seconded by Alfred Franger, in favor of finding of probable cause to believe that the licensees' conduct in 01 MED 326 is unprofessional, that a complaint be issued and that proceedings be closed. Motion carried unanimously.

RECONSIDER 02 MED 200

MOTION: Daniel Miota moved, seconded by Alfred Franger, in favor of a finding of probable cause to believe that the licensees' conduct in 02 MED 200 are unprofessional, that complaints be issued and hearings held. Case advisor Sidney Johnson abstained. Motion carried.

MOTION TO DISMISS DISCIPLINARY PROCEEDINGS

02 MED 001

MOTION: Darold Treffert moved, seconded by Daniel Miota, against dismissal of disciplinary proceedings in case 02 MED 001. Case advisor Lief Erickson abstained. Motion carried.

REQUEST FOR REINSTATEMENT

JOHN GREGORY HOFFMAN, MD

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to reinstate the previous order in the matter of John Gregory Hoffman, MD, advise him to comply with the order for three months and then appear before the Board. Motion carried unanimously.

APPROVAL OF PROVIDER

ARKAN ALRASHID

MOTION: Ronald Grossman moved, seconded by Daniel Miota, to deny the request for a new provider for Arkan Alrashid until the Board is provided more information. Motion carried unanimously.

STAY OF SUSPENSION

SCOTT H. CONANT, MD

MOTION: Alfred Franger moved, seconded by Daniel Miota, to grant a three month stay of suspension in the matter of Scott H. Conant, MD. Motion carried unanimously.

EDWARD COONEY, MD

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to grant a three month stay of suspension in the matter of Edward Cooney, MD. Motion carried unanimously.

NICHOLAS GEIMER, MD

MOTION: Ronald Grossman moved, seconded by Virginia Heinemann, to grant a three month stay of suspension in the matter of Nicholas Geimer, MD. Motion carried unanimously.

JEFFREY JUNIG, MD

MOTION: Darold Treffert moved, seconded by Daniel Miota, to grant a three month stay of suspension in the matter of Jeffrey Junig, MD, deny his request for a screening change and allow his AODA counseling to be reduced to biweekly. Motion carried unanimously.

THOMAS STRICK, MD

MOTION: Darold Treffert moved, seconded by Daniel Miota, to grant a three month stay of suspension in the matter of Thomas Strick, MD, and delay further action until a letter of support is received by the Department. Motion carried unanimously.

PROPOSED STIPULATION

JOHN FERRIS, MD

MOTION: Ronald Grossman moved, seconded by Daniel Miota, to adopt the Findings of 'Fact, Conclusions of Law, Order and Stipulation in the matter of John Ferris, MD. Darold Treffert, Case advisor abstained. Motion carried.

RICHARD A. HOVERSTEN, MD

MOTION: Virginia Heinemann moved, seconded by Alfred Franger, to adopt the Findings of 'Fact, Conclusions of Law, Order and Stipulation in the matter

of Richard A. Hoversten, MD. This motion will be moved at the next meeting.

CASE STATUS REPORT

MOTION: Alfred Franger moved, seconded by Daniel Miota, to close complaint **03 MED 209** for prosecutorial discretion. Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Darold Treffert, to close complaint **02 MED 408** for no violation. Motion carried unanimously.

MOTION: Alfred Franger moved, seconded by Darold Treffert, to close complaint **03 MED 035** for insufficient evidence. Motion carried unanimously.

MOTION: Lief Erickson moved, seconded by Ronald Grossman, to close complaint **02 MED 209** for insufficient evidence. Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Alfred Franger, to close complaint **02 MED 091** for no violation. Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Alfred Franger, to close complaint **01 MED 325** for prosecutorial discretion. Motion carried unanimously.

A draft letter from Sidney Johnson, MD on behalf of the Board, to Department of Corrections was presented for the Boards' review. Wayne Austin, Legal Counsel will advise the Board after reviewing the draft.

MOTION: Daniel Miota moved, seconded by Alfred Franger, to close complaint **02 MED 449** for prosecutorial discretion. Motion carried unanimously.

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to close complaint **02 MED 403** for no violation. Motion carried unanimously.

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to close complaint **03 MED 118** for prosecutorial discretion. Vote taken, 5 ayes and 3 no. Lief Erickson-yes, Alfred Franger-yes, Ronald Grossman-no, Virginia Heinemann-no, Sidney Johnson-yes, Daniel Miota-yes, Bhupinder Saini-yes, Darold Treffert-no. Motion carried.

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to close complaints **00 MED 160, 00 MED 252, 01 MED 263, 01 MED 284 and 01 MED 311**, as administrative closures. Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Daniel Miota moved, seconded by Alfred Franger, to ratify the applicants as licensed to practice medicine and surgery in the State of Wisconsin. Motion carried unanimously.

MOTION: Alfred Franger moved, seconded by Daniel Miota, to ratify the applicants as licensed to practice as physician assistants in the State of Wisconsin. Motion carried unanimously.

MOTION: Alfred Franger moved, seconded by Daniel Miota, to ratify the applicants as certified as respiratory care practitioners in the State of Wisconsin. Motion carried unanimously.

RECONVENE IN OPEN SESSION

MOTION: Alfred Franger moved, seconded by Virginia Heinemann, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:00 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

MOTION: Alfred Franger moved, seconded by Bhupinder Saini, to vote to accept all motions made during closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Alfred Franger moved, seconded by Daniel Miota, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:01 p.m.